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# PRISON REFORM

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## REPORT

OF

## SPECIAL COMMISSION

APPOINTED BY

GOVERNOR JAMES M. COX

*Blair*

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REPORT OF COMMISSION ON PRISON REFORM\*

COLUMBUS, OHIO, February 17, 1913.

*To the Honorable James M. Cox,  
Governor of the State of Ohio,*

SIR:

The following report is respectfully submitted by the undersigned, who have been honored by you with appointment as a Commission on Prison Reform to consider the matters referred to in your esteemed letter of January 27, 1913.

A Commission was appointed by Governor Harris, under authority of a joint resolution of the General Assembly adopted March 31, 1906, to investigate the Ohio Penitentiary problem. That Commission called to its aid some of the foremost prison men of the country and, after careful investigation and consideration, made a report containing valuable information and the following recommendation:

"The Commission is clearly of the opinion that the State of Ohio should have a new penitentiary upon a new site, and that it should be located upon a large tract of land. But the members of the Commission differ as to the number of acres that should be obtained, their views ranging from not less than one thousand acres to not less than two thousand acres."

An Act passed by the General Assembly in accord with that recommendation was vetoed by Governor Harris, but for reasons which did not impugn the general purpose of the act.

It has long been recognized that the present penitentiary site, in the midst of a populous city, is not the most suitable; the faults and imperfections of the old institution have frequently been a subject of severe criticism.

It is true, that important improvements have been made under the act of March 12, 1909, entitled "An Act to provide for the improvement of the penitentiary by modernizing it, by equipping it for State-use-labor-system, and by establishing a prison farm for outdoor labor for trusted and sickly prisoners." Plans prepared in pursuance of that act provided for as complete a rehabilitation as possible, and the Board of Administration has finished those parts of the general plan that were in progress when they took control, a year and a half ago; considerable money has been expended. Nevertheless, we unhesitatingly concur in the recommendation made by the Commission of 1906.

The money expended on the present plant will not be thrown away, even if the old site be given up. The creation of a new State institution is not a matter of days or of months, but of years; the initial legislation for the Lima hospital was enacted in 1904, it is hoped to open that hospital to patients about a year from this time; the initial legislation for the Reformatory at Mansfield was enacted in 1884, and that institution received its first inmates in 1896, at that time far from completion. A modern penitentiary will be a type of institution new to Ohio; the plans will have to be perfected with care and deliberation; the selection of a site, preceding the preparation of plans, will require investigation and consideration; it is important to make no mistakes. Construction with prison labor cannot be expected to progress as fast as construction by free labor and by contract. It will probably be ten years after the initial legislation for a new penitentiary before final removal from the old to the new becomes an accomplished fact.

\*On January 27, 1913, Governor Cox appointed a special Commission on Prison Reform consisting of Dr. A. F. Shepherd, member of Ohio Board of Administration; Dr. J. A. Leonard, Superintendent of Ohio State Reformatory; Dr. Harris R. Cooley, Superintendent of Charities and Correction, Cleveland; and Hon. Rutherford H. Platt, Chairman of Board of State Charities.



Much of the equipment recently installed can be ultimately utilized for the new institution. It is cause for congratulation that the old penitentiary plant, as it is to-day, with only a lesser part of the proposed improvements carried to completion, is reasonably fit to serve the ordinary purposes of a prison, and can be used as it must be used, for some years to come, without disgrace or reproach to the state. The general sanitary condition is now good; new cells have been installed in one block, with suitable plumbing and an excellent ventilating system; the new kitchen, dining room and power plant are unsurpassed; some of the old buildings have been torn down and cleared away; the open space thus obtained has been improved with good effect and gives opportunity for ball games and outdoor exercise. Some of the best of the shop buildings have been left; a knitting mill employing seventy-five men is housed in one, and a soap factory in another; the others have been cleaned up, are in good order, and large enough for working six hundred men; they only need to be equipped with machinery and appliances.

But the acquisition of land suitable for a new penitentiary and the beginning of the work of creating the new institution ought not to be delayed. A large tract of land, about two thousand acres, will be the greatest aid toward a right solution of the labor problem. It is true that shop industries cannot be dispensed with; operations on the land are practically suspended during the winter season, in this climate, and it will not be practicable, at any season, to employ the entire productive force at farm work, or outside of prison walls. But work in the open—work on the land—is best calculated to improve the worker, in body and soul; and, under wise administration, the proportion of inmates so employed will grow, if sufficient land is provided; that feature will be, in some degree, an index of successful or unsuccessful administration.

Before leaving this branch of the subject something should be said about the State land near Morgan Station. Those lands were purchased by the State to provide for the custodial care of adult imbeciles—a very important purpose; the location is suitable and the sixteen hundred acres can be used advantageously for that purpose. On the other hand, the location is undesirable for a penitentiary; the lack of transportation facilities is a valid and sufficient objection. Furthermore, it would be a mistake, in our opinion, to permanently establish a farm for convict labor in close proximity to the farm for the feeble-minded.

We recommend that the four-hundred acres farmed latterly with convict labor be restored, as soon as practicable, to the institution for feeble-minded.

#### LABOR PROBLEM AT THE OHIO PENITENTIARY

The enforced idleness of six hundred (600) to eight hundred (800) men at the Ohio Penitentiary is the most serious feature of the Penitentiary problem, and is in itself a complex, humanitarian, and economic problem demanding immediate solution.

As above stated, physical conditions at the Penitentiary have greatly improved. Your Commission found factory space available in which at least three-fourths of the idle population can be employed if care be exercised in selecting the industries to be installed. The excellent Power Plant recently established in the Penitentiary can, at small additional outlay, furnish power, heat, and light for these factories.

The potential market provided by the Wertz Law, and other legislation since enacted, is so large and varied that only a small portion of it could be supplied by the State-Use industries if all available prisoners were employed under the best possible conditions for efficiency.

The conditions above set forth afford opportunity to select, say, from six to ten industries best suited to Penitentiary conditions and the market for supplies under the State-Use-System.

It is the opinion of this Commission that, in determining the employment to be provided, the following considerations should be borne in mind:

First: That a group of moderate sized industries be installed rather than one or two great industries. Varied industries afford greater opportunity for industrial training for the prisoners and better fit them for higher industrial efficiency and good citizenship when released. Moreover this policy would relieve the mind of the citizen laborer engaged in any industry from a natural apprehension that a great prison industry may disastrously affect the particular business in which he is engaged.

Second: In order to employ the maximum number of men, and to receive the best economic return to the State, those industries should be selected in which the value of the output is largely represented by the labor applied, rather than by the first cost of material.

Third: Any plan looking to the employment of *all* prisoners capable of physical labor must provide common labor for the large group of men who lack capacity for skilled labor. Excavating, grading, ditching, draining, brick-making, stone-quarrying, and stone-crushing, preparation of other road-material, and the simpler farm-work are lines of activity recommended for these.

Fourth: There should be introduced into the Penitentiary a school of letters that will afford illiterate and non-English speaking prisoners an opportunity to acquire a Common School education, and no demand for industrial labor should interfere to deprive those eligible to said school of its benefits. We would commend the half day system by which manual labor shall alternate with school studies for such illiterates.

### POSSIBILITIES AND LIMITATIONS OF THE STATE-USE-SYSTEM.

Your Commission is in sympathy with the policy adopted by Ohio to employ all prisoners in accordance with the State-Use-System, to the exclusion of the Contract and Lease System. When this System is fully installed and properly conducted the returns to the State ought to equal or exceed the results under any method of employing prisoners heretofore in vogue. The tone and character of prison administration will be greatly improved, and better methods of discipline will be possible, so as to increase the chances for the reformation of the inmates. Those considerations, in our judgment, justify the adoption of the State-Use-System.

There has resulted from the enthusiasm of speakers and writers advocating the State-Use-System the somewhat popular notion that, by employing prisoners of the penal institutions of the State in this way, the said institutions can be made fully self-sustaining, and, in addition, accumulate, above the cost of maintenance, a fund sufficient to pay prisoners for their labor a compensation approximating at least the pay of common labor of free citizens.

We feel it incumbent upon us to call attention to the fact that such a consummation, desirable as it may be, is not within the range of possibility under present conditions.

The combined population of the Ohio Penitentiary and the Ohio State-Reformatory at the present time is approximately twenty-six hundred (2600). After deducting from this number that large part of the population necessary to conduct the domestic or purely institutional departments; those incapacitated for physical labor, and the number of younger men who attend the School of Letters half-time during working hours, there remain not to exceed fifteen hundred (1500) men available for productive labor in the prison industries, inclusive of farming operations.

These fifteen hundred (1500) thus available, because of the lack of natural, average capacity, and the want of time for short termers to acquire a high degree of skill, are not so efficient as workers as a like number of free citizens. Experience teaches that the maximum of efficiency as compared with free labor is found in the simpler occupations. The most careful students of this subject have never claimed for prisoners in the skilled occupations more than eighty per cent (80%) efficiency.

Considering these facts, in connection with the total cost of maintaining the great penal institutions, it is evident that it would be impossible for the available prisoners for productive employment to produce sufficient output, the profits from which would pay the cost of maintenance and create such a wage-fund. It should be

borne in mind that not only the productive workers would be entitled to consideration under such a system but the non-productive prisoners as well. To withhold the reward for faithful industry and good conduct from the prisoner that stoked the boiler, cooked the food, or cared for the cell-house would be to make invidious distinction, outrage the prisoner's sense of justice, and be subversive of good discipline.

We believe that opportunity to earn some reward in money, by faithful industry and good conduct, to go toward the support of dependent families, where the prisoner has a dependent family, or to the credit of the prisoner, subject to proper conditions, where he has not, will result in a marked increase in the average efficiency of prison labor, will promote a wholesome sentiment within the institution and quicken the prisoner's sense of justice and strengthen his feeling of responsibility for those dependent upon him. And we would respectfully recommend, that, regardless of the question as to whether there be a net wage-fund derived from the profits from the State-Use-System of industry, in lieu of all gratuities now made to prisoners and for recognition of good conduct and efficient labor, an opportunity for earning a moderate, graduated allowance in money be given to the prisoners in the State penal institutions.

The payment would be distinctly a reward of merit for prison conduct—faithful industry and a proper attitude toward prison conditions and reformatory agencies. The Commission recommends that the State Board of Administration be authorized, after thorough study of conditions, to adopt and put in operation a plan for some allowance in money, on a moderate scale, for faithful industry and good conduct.

We present below, as merely suggestive, a list of industries from which selections can be made.

#### 1. STONE QUARRY.

This plant is now completely installed and will be ready to turn out material as soon as warm weather arrives. It has a capacity of 500 tons of crushed stone daily, and also considerable dimension stone. It will provide steady employment for two hundred men as a market for this stone is assured.

#### 2. BUILDING AND PAVING BRICK, TILE AND SEWER PIPE.

There is a very large demand for output of this character, and we think that such a plant would employ one hundred prisoners.

#### 3. WOOD WORKING.

Already installed for the manufacture of sash, doors, and other such material used in the erection of the State's new buildings. This plant could be enlarged so as to include the manufacture of school desks and other school furniture.

#### 4. STRUCTURAL IRON WORK.

For the manufacture of steel cells, doors, corridors, grating, etc., for the new Penitentiary, and jails and workhouses throughout the State. This department could also manufacture iron beds for institutional use, and all settees for both inside and outside use.

#### 5. MATS AND MATTING.

Large demand for State Departments and State Institutions, and public buildings of counties and municipalities. Largely hand labor, and one hundred prisoners could probably be employed.

#### 6. KNITTING MILL.

For underwear, stockings and socks; already installed and employing seventy-five men. This could be enlarged so as to include the weaving of cloth for suitings, blankets, toweling, etc., and would then probably employ a total of two hundred prisoners.

#### 7. SOAP MAKING.

Already installed, and employing about twenty-five men.

#### 8. PRINTING.



#### 9. BOOK BINDING.

In addition to the foregoing list we would call your attention to the additional State-Use industries successfully carried on in the New York prisons as shown in their official catalog.

At the Ohio State Reformatory there are in successful operation a Furniture Factory, Clothing Factory, Shoe Factory and Printery. The first three named are of sufficient capacity to take care of the needs of the institutions at the present time and these should not be duplicated at the Penitentiary.

The wise selection and successful installation of the industries to be established in the Penitentiary, to employ at the earliest time possible the hundreds of men who are now deteriorating in enforced idleness, are so important that we believe the Board of Administration should avail itself under authority of law already granted of the best expert advice obtainable.

To this end we would recommend that, before the Penitentiary industries are fully determined upon, the Board of Administration appoint, as Superintendent of Penitentiary Industries, a man of recognized ability, and experience in the organization, equipment, and operation of factory industries.

Should the recommendation of your Commission, that a new penitentiary be built on a tract of not less than two thousand (2,000) acres of land, be favorably acted upon by the General Assembly, and prompt action taken in the selection of a site and the adoption of plans, the labor problem at the Ohio Penitentiary, after the immediate need is provided for, will be much simplified for years to come.

It will require, as above suggested, probably not less than ten years to build a new penitentiary, and in that time from three to five hundred prisoners, comfortably housed in temporary buildings, could be very profitably employed in building, and in farm operations on the new prison site.

In this manner the great Federal Prison at Leavenworth was built, and Ontario, Canada, is building a large modern prison at Guelph to take the place of the old Central Prison at Toronto. For two years the Ontario government has employed about two hundred and fifty (250) prisoners of the Toronto Prison in operating the farm on the new site and constructing the new prison. These are, in the judgment of your Commission, very convincing and worthy object-lessons that Ohio can study with profit.

In our opinion it will not be necessary or advisable to resort to work upon the public roads. The conditions of so employing convict labor render it less economical for that purpose than it is sometimes assumed; and a convict band, at work on the public highway under armed guards, is not an elevating or pleasing sight; its advent would hardly be welcomed in any community.

Our judgment is that, in the general movement for better highways, prison labor would be as effective in the preparation of the road materials, such as crushed stone and paving brick.

This form of employment would be private, would not humiliate the workers and would give better opportunities for education, oversight and care on the part of the officers of the institution.

#### PRISON OFFICERS AND THE HUMAN SIDE OF THE WORK

The material side of the prison problem has generally received more attention and been more successfully dealt with than the correctional side. This is natural; the material side is more in evidence and more generally understood. But the truth must not be ignored that the vital point is psychological; the mind and will of the offender is the important thing—really the only important thing—for prison treatment, if the offender is to be returned to society. Other things are important only in their relation to this. The primary purpose of the State in dealing with the crim-

inal is the protection of society; that purpose is very little served by returning the offender to society after a short term of restraint with criminal tendencies confirmed instead of cured; this is known to be the result of influence inseparable from prison environment, if positive influence for good be neglected.

The members of the Commission feel under a duty to say with emphasis, that no penitentiary administered by officers lacking special qualification for the work will be a credit to the State, or serve, in any degree, the public good. Upright character, general intelligence and good intentions are not enough to qualify a man to deal with the human, psychological side of the prison problem.

Prominence and influence in partisan politics have, in the past, received consideration to which they are not entitled, in the appointment of officers and employees for the penitentiary.

The best planned and appointed penitentiary, regarded and administered merely as a place for the temporary safe-keeping of offenders, an instrument of punishment, or a means of exacting payment of a price demanded by society for the commission of crime, will not appreciably lessen the number of criminals or the volume of crime. It may be credited with some deterrent influence—but very little; the penalty is so often evaded; at least nine out of ten crimes go unpunished.

The discovery was made some years ago that the ordinary penitentiary, administered in the old way, is a high school of crime; this discovery led logically to expedients, in the interest of society, for keeping even the guilty out of prison. Resort is had to suspended sentence, probation and parole; statistics strikingly justify these expedients, showing great gain over the former results of inflicting a prison sentence in all cases. These statistics make out a case against the ordinary penitentiary administered in the old way, indicating that such penitentiary does more harm than good.

#### THE HABITUAL CRIMINAL ACT

The discovery that too many law breakers were being put into prison was important; it is equally true and important that too many confirmed and habitual criminals are released from prison. It is irrational to set at large the convict known to be a positive menace to society—a confirmed and dangerous criminal.

The repeal of the act for life sentence for habitual criminals was, in our opinion, a mistake.

We summarize our recommendations as follows:

1. That the immense importance of the personal factor in prison management be recognized, and the greatest care exercised to secure the service of men of the highest character and special qualification; this implies the absolute divorce of penitentiary affairs from partisan political influences, and that, in the selection of officers and employees, character and special qualification for the work should be the only things considered.

2. That, before the penitentiary industries are fully determined upon, the Board of Administration appoint, as superintendent of penitentiary industries, a man of recognized ability and experience in the equipment, organization and operation of factory industries; and proceed, with the assistance and advice of such superintendent, to install, in the vacant shop buildings, industries sufficient to meet the present need.

3. That an act be passed for the appointment of a Commission with authority to select and acquire for the State, by purchase or condemnation, about two thousand acres of land for a new penitentiary, the location to be not too near any city and not too far from the center of the State; transportation facilities are, of course, essential, and an abundant supply of good water.

Swamp land or waste land capable of reclamation would have a special fitness for the purpose; clay or shale suitable for brick-making or stone for a quarry would be desirable features.

Plans for the new institution should be perfected by the Board of Administration, with the best expert advice and assistance, as soon as consistent with due care and consideration; the work of development and construction, should be done, as far as possible, with prison labor.

4. That an act be passed prescribing indeterminate sentences, with minimum and maximum limitations; and an act for a life sentence for habitual and confirmed criminals.

5. That the Board of Administration be given authority to correct misplacements of wards of the State, by transferring from one institution to another; and that provision be made for expert examination of cases questionably placed to determine as to mental and physical defects.

6. That, in connection with the State-Use-System of employing convict labor, opportunity be afforded the prisoner to earn a moderate allowance in money, under proper rules and conditions, as an encouragement and reward for faithful industry and good conduct, to go toward the support of the prisoner's family when he has a family dependent upon him, or be put to his credit, subject to proper conditions, when there is no one dependent on him.

7. That the State acquire, by purchase or condemnation, about twelve hundred acres of additional land for the Reformatory at Mansfield, to bring the total of farm land for that institution up to two thousand acres.

Respectfully submitted,

(Signed:)

A. F. SHEPHERD,  
RUTHERFORD H. PLATT,  
J. A. LEONARD,  
HARRIS R. COOLEY.







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